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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 MICHAEL LATHIGEE,

9 Plaintiff(s),

10 v.

11 WYNN OPERATOR, LLC, et al.,

12 Defendant(s).
13

2:11-CV-1243 JCM (PAL)

14 **ORDER**

15 Presently before the court is the matter of *Lathigee v. Wynn Operator, LLC et al.*, (Case No.
16 2:11-cv-01243-JCM-PAL).

17 Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days
18 after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must
19 dismiss the action without prejudice.”

20 Plaintiff filed the complaint on August 2, 2011. (Doc. #1). Pursuant to Federal Rule of Civil
21 Procedure 4(m), on July 7, 2012, the clerk of the court provided notice to plaintiff that the action
22 would be dismissed as to the remaining defendant, Wynn Operator, LLC, if plaintiff did not file
23 proof of service of process by August 10, 2012. (Doc. #30).

24 The court’s docket reflects that, to date, plaintiff has failed to file proof of service on the
25 remaining defendant. This court dismissed the second defendant, Michael Saltman, by summary
26 judgement. (Doc. #27).

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
be, and the same hereby is, DISMISSED as to Wynn Operator, LLC.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
be, and the same hereby is, DISMISSED without prejudice.

DATED August 17, 2012.


UNITED STATES DISTRICT JUDGE